

1-29-03

2876



**Applicant:** William S. Rouverol

**Art Unit:** 2876

**Examiner:** Uyen-Chau N. Le

**Serial Number:** 09/895,190

**Filed:** July 2, 2001

**For:** VOTING DEVICE WITH IMMEDIATE FEEDBACK

July 27, 2003

Dear Ms. Le,

Please amend this case as follows:

Page 1, line 7; Page 3, line 1; and page 20, line 1: Substitute "IMMEDIATE" with -- ENHANCED --

Page 1, line 13: Substitute "1331 Arch Street" with -- 1385 Shattuck Avenue #201- --

Page 1, line 14: Substitute "94708" with -- 94709 --

Page 1, line 18: Substitute "(510) 845-3312" with -- (510) 848-8121 --

2. Drawings:

Page 6, line 14: Substitute "strips 13" with -- T-strips 13 --

Page 6, line 21: Substitute "die" with -- the T-strips 13 --

Page 6, line 22: Delete

Page 7, lines 4, 5 and 9: Substitute "die strip 13" with -- T-strip 13 --

Page 7, line 6: Substitute "strips" with -- strips 13 --

(this corrects the dual usage problem, so no drawing change appears to be needed. As noted by the Examiner, applicant has been remiss in not showing a chad/perforated area 62 in any of the figures. Figs 1 and 5 have therefore been revised to remedy this omission. Corrected drawings 1 / 2 and 2 / 2 are enclosed).

4. Claim Objections

Three informalities in Claim 1 are corrected in Section 7 below.

Claim 5, line 2: Substitute "its" with -- said bulb's --

Claim 6, line 2: Substitute "the operation" with -- an operation --

Claim 7, line 1: Substitute "the upper surface" with -- an upper surface --

Claim 8, line 1: Substitute "the upper surface" with -- an upper surface --

Claim 12, line 2: Substitute “, preferably of metal” with - - made of a durable material - -

Claim 14, line 2: Substitute “ the proper method” with - - a proper method - -

Claim 21, line 1: Substitute “the upper surface” with - - an upper surface - -

Claim 21, line 3: Substitute “t hem” with - - them - -

Claim 22, line 2: Substitute “, preferably of metal\* and have” with - - made of a durable material and having - -

Claim 22, line 5: Substitute “a needle-like projection” with - - at the tip a short needle - -

#### Claim Rejection – 35 of USC §112

Applicant is not familiar with the cited USC reference and cannot guess what the problem with Claim 22 is. The generic claim in this case is Claim 1. The first structural element cited in Claim 1 is the punch (stylus) 64, discussed on page 10, lines 4+. Applicant would appreciate receiving more specific information about this particular dependent claim, beyond the wording clarifications noted above.

#### 7. Claim Rejections – 35 USC §102

Claim 1, line 1: Substitute “die” with - - die having a flat area - -

Claim 1, line 2: Substitute “it” with - - said card - -

Claim 1, lines 2, 3: Substitute “of said card” with - - of said flat area - -

Claim 1, line 3: Substitute “the” with - - an - -

Claim 1, line 4: Substitute “punch” with - - punch and thence toward an eye of the user of said device. - -

Applicant firmly believes that none of the claims of application 09/895,190 (hereafter ‘190) are anticipated by U.S. Patent No.4,541,317 (hereafter ‘317), even before making the above substitutions in the generic first claim. Applicant has so far discerned 35 features of ‘190 that distinguish it, for patent purposes, from ‘317. The main reason that there are so many distinctions are:

- (1) that ‘190 discloses a fully manual device, whereas ‘317 discloses a fully automated device (form always follows function), and
- (2) ‘190 discloses a device to impart information to a “machine-processable record card” while ‘317 discloses a “machine for cutting [out] documents”

(as its title indicates) from a 2-ply plastic strip that is not machine-processable.

Of the nine statements made on page 4, section 7 the first one is correct (but the rejection is completely unwarranted in applicant's opinion) and the other eight are incorrect. Please let me explain:

Line 1 of ¶ 2 of Section 7:

Patent '317 does not disclose a "punch-card device", according to Webster and standard usage in the voting machine industry. (See "punched card" and p. 552 of Merriam Webster's Collegiate Dictionary, Tenth Edition). What '317 does disclose is something totally different, namely a "Machine for Cutting [Out] Documents from a 2-ply plastic heat-sealed carrier strip. (Parenthesis by WSR).

Line 3 of ¶ 2 of Section 7:

Punch 36 of '317 does not punch holes in card 48. It cuts the entire card 48 out of web 21, bodily, and does not add any information to it. As the punch 36 is larger than the document, the cut-out is somewhat larger than document 48, unless it is trimmed by one or more knives 52 (Col 11, line 19+). Nowhere in '317 do its inventors call "web 21" a "card," or indicate that card 48 is "punched" as opposed to "punched out", which has a totally different meaning. The applicant's question is whether the Examiner is aware of the usage difference between "punched" and "punched out". The same question can be asked about "registration perforations 6" (Col. 5, line 63 of '317) and information transmitting perforations or preperforations ('190). To help Examiner grasp the difference, applicant is enclosing a sample ballot card for a Votomatic or for the '190 device. This card shows 312 preperforations and two oval registration or positioning holes (perforations) that do not transmit information but are meant to insure that the ballot card is inserted properly. (See pins 97, 98 in Fig. 11 of US 3,240,409 to Harris.) It is also important to note that prior art Fig. 1 of '317 discloses information transmitted by photography, not by punching.

Line 4 of ¶ 2 of Section 7:

Card 48 does not have any "preperforated area 6.". Item 6 in Fig 1 are perforations, not preperforations. This means that they have already been punched, not to impart information but to enable them to be kept in register with positive sheet 5. Preperforated areas are never coated with plastic since that would make them difficult or impossible to punch. Examiner should note that Fig 1 of '317 is entirely prior art, and none of its items is recited in the '317 claims. (See Col 6, lines 20 and 46, which indicate that Fig 1 shows "common practice" (i.e. prior art) for manufacture of a document such as 9 which can, for example become opaque document 48 as soon as it is inserted between the carrier plastic sheets of the 2-ply web 21.) Examiner may wish to confirm that the word "preperforated" or its synonym "scored" appears nowhere in the '317 specifications or claims.

Line 5 of ¶ 2 of Section 7:

Slits 31-33 and windows 38-40 are not apertures in card 48 but in the punch 36 and the housing 29, respectively, and they are provided so light source 45 can

reach photocells 42, 43, 44 and 82 that in turn control the four electric motors. There are no apertures shown in card 48.

Line 6 of ¶ 2 of Section 7:

The abovementioned slits and windows are not made by punch 36, but are machined into the punch 36 and housing 29 when the parts are fabricated.

Line 7 of ¶ 2 of Section 7:

Light from the light source 45 in '317 is not made visible to a "user", because there is no user or attendant. If there is a user for the '317 device, why have an expensive system involving light slits, photocells, control units, electric motors, and cam shafts to position and punch out the document 48? Since the '317 device is totally automatic, the presence of any inspector or attendant must surely be very infrequent. I would like to ask that the Examiner count the number of appearances of the word "user" (or its equivalent in a voting machine, "voter") in the specifications and claims of '190 and '317. She will find the numbers are 34 for '190 and 0 for '317.

Line 8, 9 and 10 of ¶ 2 of Section 7:

Since a "user" of the '317 device exists only in the imagination of the Examiner, none of the assertions of these three lines is justifiable.

Line 11 of ¶ 2 of Section 7:

No chads are punched out of the card 48. The only thing punched out of the '317 device is the card 48 itself, and in the case of a credit card, it is about 1,000 times as large as a typical chad (1/16" by 1/8").

Line 12 of ¶ 2 of Section 7:

There is in '317 no adequate "open space" provided below the die-plate 37. The heat from a typical incandescent light bulb will cause the plastic-encased cards 48 to stick together and to the frosted glass plate 46. Fig 4 indicates that 6 or 8 plastic-encased credit cards 48 stuck together and could quickly exhaust the storage space available above plate 46. The storage capacity of collection box 209 in '190, on the other hand, is designed to hold 15,000 to 20,000 1/16" x 1/8" chads.

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It is my hope that the Examiner will be able to find the time to achieve a full understanding of the '317 patent. The Belgian patentees have provided only a schematic drawing (Fig 1) of a prior art document copier, plus 5 drawings that are all semi-schematic at best, so I would assess the Examiner's job of grasping all of the details of '317 to be an extra-ordinarily difficult task. I have spent many of my 85 years as a teacher of engineering, so perhaps I can help. Please feel free to call me at any time if you have questions. My telephone number is (510) 848-8121.

Good Luck,  
William Rouverol

*William Rouverol*

July 27, 2003